

Rigid Plastic Packaging Container (RPPC)

Proposed Regulation Package

Public Workshop

May 17, 2011

Workshop Agenda



- 1:00-1:10 Introductions and Overview
- 1:10-1:40 Discussion of Proposed Revision for the
“Post-Industrial vs. Postconsumer” Issue
- 1:40- 2:00 Questions
- 2:00- 2:10 Presentation/Discussion of “Incidental
Elements” and Other Proposed Changes in
the Definition of “Rigid Plastic Packaging
Container”
- 2:10-3:30 Questions
- 3:30-3:45 Future Workshops, June 8 and June 22, 2011
- 3:45-4:00 Wrap-up

Proposed Revision for the “Post-Industrial vs. Postconsumer” Issue

17943 (b)(23) “Postconsumer Material”

Includes post-industrial material within the postconsumer material definition.

17943 (m) “Postconsumer Material”

Does not include post-industrial material within the postconsumer material definition.

Because of the discussion at the April 8, 2011 workshop, staff developed proposed revised regulations.

Revised Proposed



Language 14 CCR 17943 (m) (1)-(3)

- (m) “Postconsumer Material” means a material that would otherwise be destined for solid waste disposal, having completed its intended end-use and product life cycle.
- (1) Rigid plastic packaging containers holding obsolete or unsold products that are commonly disposed, and not commonly reused within an original manufacturing process, shall be considered postconsumer material when used as feedstock for new rigid plastic packaging containers or under the alternative compliance method listed in Section 17944.1.

Revised Proposed



Language 14 CCR 17943 (m) (1)-(3)

- (2) Finished plastic packaging that has been rejected by a container or product manufacturer that has been commonly disposed may be considered postconsumer material if it is later used in a process other than the original manufacturing and fabrication process.
- (3) Postconsumer material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

See Hand-Out #1 –

Your thoughts and
questions?

Incidental Elements and Other Proposed Changes in the Definition of a Rigid Plastic Packaging Container

What is an RPPC?



Statute: Public Resources Code 42301(f)

“...any plastic package having a relatively inflexible finite shape or form, with a minimum capacity of eight fluid ounces or its equivalent volume and a maximum capacity of five fluid gallons or its equivalent volume, that is capable of maintaining its shape while holding other products, including, but not limited to, bottles, cartons, and other receptacles, for sale or distribution in the state.”

What is an RPPC?



Current Regulation: 14 CCR 17943 (b)(30)

“...any plastic package having a relatively inflexible finite shape or form, with a minimum capacity of eight fluid ounces or its equivalent volume and a maximum capacity of five fluid gallons or its equivalent volume, that is capable of maintaining its shape while holding other products, including, but not limited to, bottles, cartons, and other receptacles, for sale or distribution in the state.”

What is an RPPC?



Current Regulation: 14 CCR 17943 (b)(30)(A)

“...are capable of multiple re-closure, are sold holding a product, and are composed entirely of plastic with the exception of caps, lids, labels, and other additives such as pigments, colorants, fillers, and stabilizers that are an integral part of the plastic polymer compound. Plastic caps and lids may be considered to be part of a rigid plastic packaging container at the product manufacturer's discretion.”

What is an RPPC?



Current Regulation: 14 CCR 17943 (b)(30)(B)

“The total volume of the closed container will establish if the container is within the eight ounce to five gallon size requirements. For those containers measured in liquid or fluid volume, such as fluid ounce, gallon, milliliters, or liter, the product manufacturer may use either the labeled volume or the volumetric volume. The metric equivalent for the following U.S. liquid measures is as follows: eight (8) fluid ounces is equivalent to 236.59006 milliliters, and five (5) gallons is equivalent to 18.9272 liters. Containers for products which are labeled and sold by weight or an item count must be measured for their volumetric equivalency.”

What is an RPPC?



Current Regulation: 14 CCR 17943 (b)(30)(C)

“ ‘Flexible container’ is a container that can be flexed, folded, and twisted, without the aid of tools, without damaging the container.”

What is an RPPC?



Current Regulation: 14 CCR 17943 (b)(30)(D)

“ ‘Rigid container’ is a container which is not a flexible container and has essentially the same shape empty as full.”

What is an RPPC?



Current Regulation: 14 CCR 17943 (b)(30)(E)

“If it is unclear whether a container is a rigid plastic packaging container, the Board will make that determination on a case by case basis. The Board will make that determination by considering, at a minimum, how the container compares to others that are clearly regulated or excluded by the program.”

What is an RPPC?



Proposed Regulation: 17943 (t)(1) – (4)

Moved and amended from 17943 (b)(30)(A)-(E)

Changes proposed within this subsection create a more level playing field.

What is an RPPC?



Proposed Regulation: 14 CCR 17943 (t)

“...any plastic package having a relatively inflexible finite shape or form, with a minimum capacity of eight fluid ounces or its equivalent volume and a maximum capacity of five fluid gallons or its equivalent volume, that is capable of maintaining its shape while holding other products, including, but not limited to, bottles, cartons, and other receptacles, for sale or distribution in the state.”

What is an RPPC?



Proposed Regulation: 14 CCR 17943 (t)(1)

Rigid plastic packaging containers are capable of at least one closure (including but not limited to closure occurring during the production or manufacturing process), are sold holding a product, and are composed entirely of plastic except that rigid plastic packaging containers may have:

(A) Caps, lids, labels, handles, hinges, and other incidental packaging elements made of non-plastic material; and

(B) Additives such as pigments, colorants, fillers, and stabilizers that are part of the plastic polymer compound.

Inequities in the Existing Law



**Capable of
Multiple
Reclosure**

**Heat
Sealed**



**Currently
Regulated**



**Currently
Not - Regulated**

Inequities in the Existing Law **CalRecycle**

“Capable of Multiple Reclosure”

**Not
Capable
of
Multiple
Reclosure**

**Currently
Not - Regulated**



**Capable of
Multiple
Reclosure
with an
attached
lid**

**Currently
Regulated**



Inequities in the Existing Law



**Bucket with
an attached
Metal Handle**



**Currently
Not - Regulated**

**Bucket with
an attached
Plastic Handle**



**Currently
Regulated**

What is an RPPC?



Proposed Regulation: 14 CCR 17943 (t)(2)

Plastic caps, lids, handles, and hinges may be included as part of a rigid plastic packaging container at a product manufacturer's discretion.

What is an RPPC?



Proposed Regulation: 14 CCR 17943 (t)(3)

For purposes of this definition, a plastic package shall be considered to have a “relatively inflexible or finite shape or form” if:

(A) It has essentially the same shape empty as full. A plastic package may be considered to have the same shape empty as full even if it is designed to be folded or collapsed into a more compact form when not holding a product, such as, but not limited to, collapsible acetate boxes or tubes; and

(B) It is not flexible plastic packaging composed of film plastic, such as, but not limited to, that used in grocery and merchandise carryout bags, pouches, or bubble, shrink, or stretch wrap.

What is an RPPC?

Regulated

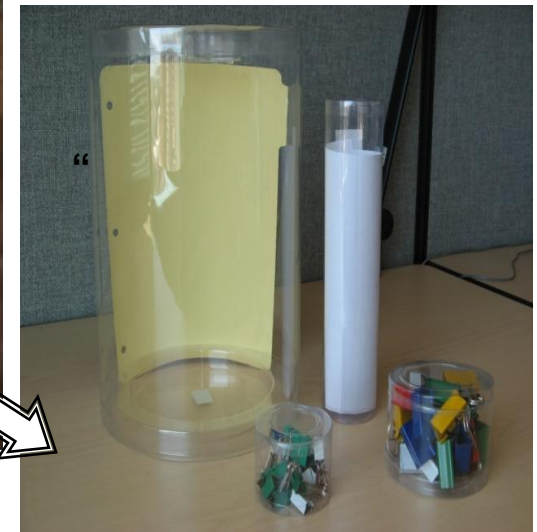


Not
Regulated



Does not maintain its shape
while holding other products

Regulated



Maintains its shape while
holding other products

What is an RPPC?



Proposed Regulation: 14 CCR 17943 (t)(4)

The capacity of a container for purposes of determining whether it falls within the definition of a “rigid plastic packaging container” shall establish if the container is within the eight ounce to five gallon size requirements. For those containers measured in liquid or fluid volume, such as fluid ounce, gallon, milliliter, or liter, the product manufacturer may use either the labeled volume or the volumetric volume.

The metric equivalent for the following U.S. liquid measures is as follows: eight (8) fluid ounces is equivalent to 236.5882365 milliliters, and five (5) gallons is equivalent to 18.92705892 liters. Containers for products which are labeled and sold by weight or an item count must be measured for their volumetric equivalency.

See Hand-Out #2 –

Your thoughts and
questions?

Future Workshops:
June 8 and June 22, 2011

Discussion #3



Future Topics for June 2011 Workshops:

- Calculations for both compliance formulas and penalty formulas
- Resin Switching
- Enforcement
- A wrap-up of the discussions from the previous workshops
- A presentation of the proposed revisions to the regulations for the next 45-day public comment period

Workshop Wrap-up